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United States Patent & Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/33 (07-05)

APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
059643.00385

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on _____

Signature _____

Typed or printed
Name _____

Application Number:

10/813,277

Filed: March 31, 2004

First Named Inventor:

Kalle TAMMI

Art Unit: 2617

Examiner: Sharad K. Rampuria

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed

- ☒ Attorney or agent of record.
Registration No. 54,749

- ☐ Attorney or agent acting under 37 CFR 1.34.
Reg. No. is acting under 37 CFR 1.34 _____

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March 29, 2007

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☐ *Total of _____ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kalle TAMMI et al.

Art Unit: 2617

Application No.: 10/813,277

Examiner: Sharad K. Rampuria

Filed: March 31, 2004

Attorney Dkt. No.: 059643.00385

For: USER REGISTRATION IN A COMMUNICATION SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 29, 2007

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-22 in the above identified application. Claims 1-22 were finally rejected in the Office Action dated November 29, 2006. Applicants filed a Response to the Final Office Action on February 28, 2007, and the Office issued an Advisory Action dated March 13, 2007 maintaining the final rejections of claims 1-22. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

The final Office Action rejected claims 1-22 under 35 U.S.C. §102(b) as being anticipated by Bajko (WO 02/091785). Applicants submit that there is clear error with regard to the rejection of at least one element of claims 1, 8, 14, and 18, upon which claims 2-7, 9-13, 15-17, and 19-22 are dependent.

Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by Bajko, and that, therefore, the final rejections are improper and without basis. For example, Bajko fails to disclose or suggest "responsive to the registration termination request, i) issuing a re-registration notification to the user including the at least one of the plurality of identities which has a registered status and which was not assigned to the second serving controller as a result of the requested registration, and ii) disassociating all

identities of the said user from the first serving controller,” as recited in claim 1, and similarly recited in claims 8, 14, and 18.

In the response to arguments section, the final Office Action states that “a request for reregistration from the second controller” as disclosed in Bajko “is very similar” to the limitation of “issuing a re-registration notification,” as recited in the current claims (Office Action, page 11). As such, it would appear that the Office Action implicitly acknowledges that Bajko differs from the present claims in some manner. Applicants note that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the “identical invention must be shown in as complete detail as is contained in the...claim” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully assert that Bajko, as acknowledged by the response to arguments section of the Office Action, does not disclose each and every element as set forth in the claims. The mere fact that an element of Bajko is “very similar” to the limitations of the present claims does not render the claims anticipated by Bajko.

Furthermore, according to Bajko, the public identifier that is associated with the request is registered at the second controller entity 23 (see Bajko, Figure 3, steps 1 and 7). In other words, a particular public identifier of a user is newly registered at the second controller entity 23. The other public identifiers associated with the user are transferred to the second controller entity 23 and registered thereto (see Bajko, Figure 3, step 8). Therefore, as illustrated in Figure 3 of Bajko, the re-allocation of the other public identities of a user takes place as a result of communication between the HSS and the second S-CSCF. Bajko contains no disclosure, either explicitly or implicitly, that a re-registration notification is issued to the user including the at least one of the plurality of identities which has a registered status and which was not assigned to the second serving controller as a result of the requested registration, and that this is done in response to the registration termination request.

Bajko discloses that the interrogating control entity (I-CSCF) selects a second control entity (S-CSCF2) rather than a first control entity (S-CSCF1) when the first control entity is not available. However, Bajko makes no mention of a registration termination request. Specifically,

Bajko only discloses that “the interrogating server may then request (6.) for registration from the second controller entity 23. At step (7.) the public identifier that associated with the request (1.) is registered at the second controller entity 23. Then at step (8.) other public identifiers are transferred to the second controller entity 23 and registered thereto” (Bajko, page 11, lines 26-31). Thus, Bajko clearly fails to disclose or suggest issuing a re-registration notification to the user and disassociating all identities of the said user from the first serving controller in response to the registration termination request, as recited in the present claims.

Additionally, Bajko does not disclose or suggest that the re-registration notification is issued to the user. The response to arguments section of the final Office Action fails to refute this assertion.

Furthermore, the present claims recite that a registration termination request identifies the at least one of the plurality of identities which has been newly assigned to the second serving controller as a result of the requested registration. Bajko, however, fails to disclose a registration termination request or that the at least one of the plurality of identities which has been newly assigned to the second serving controller be identified in the request. Moreover, Bajko does not disclose that, in response to the registration termination request, two things occur: the issuance of the re-registration request to the user, and the disassociation of all of the identities of the user from the first serving controller. In other words, Bajko contains no disclosure of these two actions occurring in response to the same registration termination request.

In addition, Applicants submit that Bajko also fails to disclose or suggest “an inserting unit configured to insert into a registration termination request issued to the first serving controller each identify of that user, which was newly associated to the second serving controller as a result of the user authentication request,” as recited in claim 8. In other words, according to embodiments of the invention, the second serving controller inserts into a registration termination request to the first serving controller each identity of that user. As a result, the registration termination request is effectively sent from the second serving controller to the first serving controller.

Claim 8 also recites that the first serving controller issues a re-registration notification to the user including each identity which has a registered status and which was not assigned to the second serving controller and that the first serving controller de-associates all identities of the

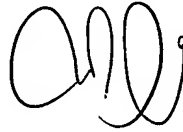
user from the first serving controller. Bajko does not disclose or suggest these limitations of the claims. For example, Figure 3 of Bajko, which is cited by the Office Action, does not illustrate a registration termination request being issued from the second serving controller to the first and also does not show that the that the first serving controller issues the re-registration notification to the user and de-associates all identities of the user from the first serving controller.

Therefore, for at least the reasons discussed above, Bajko fails to disclose or suggest all of the elements of claims 1, 8, 14, and 18. Consequently Applicants respectfully request that the rejection of claims 1, 8, 14, and 18 be withdrawn. Furthermore, claims 2-7, 9-13, 15-17, and 19-22 should be allowed for at least their dependence upon claims 1, 8, 14, and 18, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully assert that there is clear error in that the Office Action has failed to establish a prima facie case for anticipation, as the cited reference of Bajko fails disclose or suggest all of the elements of the presently pending claims. It is therefore respectfully requested that all of claims 1-22 be allowed, and this application passed to issue.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: PTO/SB/33 Form
Notice of Appeal
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